

First Principle

NATIONAL SECURITY AND CIVIL LIBERTIES

DECEMBER 1975

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In this Issue: **Controlling the Intelligence Agencies, page 3**
CHRISTINE M. MARWICK

Coming: JAN.: Local Red Squads:
The Report of the Cook County Grand Jury

October 31, 1975 Secretary of State Henry Kissinger told the House Intelligence Committee that during the six years he was National Security Advisor all covert operations had been approved personally by the President. The Committee also revealed that, under orders from Nixon over CIA objections, the CIA served as arms supplier to the Iraqi Kurds at the request of the Shah of Iran.

November 2-4, 1975 In a letter to the Senate Select Committee on Intelligence, President Ford requested that the Senate Report on *Alleged Assassination Plots Involving Foreign Leaders* be withheld from the public. Ford's letter stated that "publication will harm the national security and possibly endanger individuals." The Committee then voted to bring the matter before an executive session of the Senate; subsequently, the report was released on November 20, 1975. (See In The Congress, In The Literature and Point of View)

November 7, 1975 Witnesses testified at a Senate hearing that during the 1950's drug addicts at a federal rehabilitation center in Kentucky were "paid off" in narcotics for participating in CIA-funded experiments.

November 10, 1975 The Cook County Grand Jury released its report, "Improper Police Intelligence Activities." The Grand Jury found that the Chicago Police Department had both violated criminal law in its intelligence gathering activities and made indiscriminate use of undercover agents. This report will be the subject of the January issue of *First Principles*.

November 18, 1975 Senate Intelligence Committee investigators disclosed that the FBI tried to discredit the late Dr. Martin Luther King via undercover operations which included buggings and blackmail. Committee members were told that the late FBI director J. Edgar Hoover decided in 1961 to "smear King" and even decided on "a new national Negro leader to replace him." Other revelations included: Hoover's personal files were largely destroyed in 1972 either shortly before or after Hoover's death; and, obtaining NBC press credentials, the FBI conducted extensive spying of the Democratic National Convention at the request of the Johnson Administration.

November 18, 1975 A witness told the House Intelligence Committee that as an FBI informant he led a group of thirty antiwar demonstrators in a raid on the Camden, New Jersey draft board which resulted in arrests by federal agents. In other testimony, a retired FBI agent said he refused an assignment to obtain a handwriting sample of Andrew Young who was then a black Georgian candidate for Congress (he was elected in 1972 and re-elected last year) because it would be used for counterintelligence purposes.

November 19, 1975 Citing what they described as official sources, the *New York Times* reported that the \$90 billion military budget approved for this year concealed within it \$4 billion for the intelligence community's programs.

November 25, 1975 The Justice Department waived more than \$23,000 in search fees for releasing under the Freedom of Information Act more than 30,000 pages of FBI material on the Rosenberg espionage conspiracy case.

In The News

It is at all times necessary, and more particularly so during the progress of a revolution and until right ideas confirm themselves by habit, that we frequently refresh our patriotism by reference to first principles.

THOMAS PAINE

First Principles.

NATIONAL SECURITY AND CIVIL LIBERTIES
IN THIS ISSUE SEPTEMBER 1975 VOL. 1 NO. 1

National Security and Civil Liberties:
The Situation, the State of the Current
Law, and Legislative Action
CHRISTINE M. MARWICK

The Principal Unlearned Lesson of
Watergate: The Need for a Responsible
Presidency
PHILIP B. KURLAND

Coming:
OCT./.: Wiretapping
NOV./.: Freedom of
Information Act

ALONG WITH THE CONCENTRATION of political power in the executive branch of government has come the claim that "national security" somehow dictates that we must give up some of our civil liberties in order to protect our freedoms. This claim has not been seriously challenged until the last several years; the veil of secrecy placed over the activities of the executive branch also served to protect these actions from effective public and congressional scrutiny.

With the unfolding of recent events, however, the myth of official benevolence, unanimity, and even expertise began to crumble. It began to emerge that for all practical purposes successive administrations had come to think of the Congress and the American public like a foreign power to be deceived and investigated in the interests of the nation's security. From the initial deceptions a ripple effect began as a system of secret actions were taken to reinforce breaches in secrecy — such as the wiretaps that followed news reports of bombing in Cambodia. Using the claims of "national security" as an incantation to overwhelm all logic, legitimate political controversy was cast into the mold of dissidence and disloyalty. As the trickle of information about illegal government activities grew into a river in Watergate, the credulity of the public changed into a healthy skepticism. But, as Professor Philip Kurland notes in his article in this issue, the executive branch still makes a plea to institutionalize the Cold War era's blind trust in the Presidency. For example, the Rockefeller Com-

mission Report, in spite of all its detailing of CIA abuses, calls for an expanded CIA charter which would solve the problem somehow by making many of its currently illegal actions legal. Likewise, the administration bill S. 1 (the reform of the federal criminal code) would define as unequivocal espionage the Ellsberg "offense" of releasing information to the public. The list of such efforts is a lengthy one — the article on page 3 treats more of them.

The focus of *First Principles: National Security and Civil Liberties* will be on following these issues and the many turns and twists taken in the conflict between expansive claims of national security and civil liberties. We hope to contribute to a return to *First Principles* — the necessary and vital right of full and informed public participation in government — by increasing public awareness of continuing threats and of opportunities to improve the situation.

Each monthly issue of *First Principles* will include an up-date on what has happened in the Congress, the Courts, and elsewhere that affects the conflicting claims of national security and civil liberties. There will also be a literature review keeping you abreast of relevant books, articles, and government publications. Each issue will also focus on a particular topic with guest articles, citations of leading cases, and analysis. In this inaugural issue we survey the field as a whole. Next month we will turn to national security wiretaps.

Why
First
Principles

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